

FILED

2014 JAN -7 AM 11:37

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RHEFICE

BY: 

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MICHELL FUGATE, } Case No. CV 13-9434-UA (DUTYx)  
Plaintiff, }  
vs. } ORDER SUMMARILY REMANDING  
LATRICE LEWIS DBA TH } IMPROPERLY-REMOVED ACTION  
SERVICES AKA LATRICEE }  
GUILLORY AKA LATRICE }  
LEFLORE, }  
Defendants. }

The Court will remand this unlawful detainer action to state court summarily because it has been removed improperly.

On December 23, 2013, defendant Latrice Lewis, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, plaintiff could not have brought this action in federal court in the first place, in that defendant does not competently allege facts supplying either

1 diversity or federal-question jurisdiction, and therefore removal is improper. 28  
2 U.S.C. §1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563,  
3 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship  
4 exists, the amount in controversy does not exceed the diversity-jurisdiction threshold  
5 of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer  
6 complaint recites that the amount in controversy exceeds \$10,000 but does not exceed  
7 \$25,000.

8 Nor does plaintiff's unlawful detainer action raise any federal legal question.  
9 See 28 U.S.C. §§ 1331, 1441(b).

10 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
11 Superior Court of California, Los Angeles County, 275 Magnolia, Long Beach, CA  
12 90802, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that  
13 the Clerk send a certified copy of this Order to the state court; and (3) that the Clerk  
14 serve copies of this Order on the parties.

15 IT IS SO ORDERED.

16  
17 DATED: 1/3/14

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

David T. Bristow

21  
22  
23  
24  
25  
26  
27  
28  
David T. Bristow  
United States Magistrate Judge